

SENTENCING COMMISSION

MINUTES

Committee:	SENTENCING COMMISSION
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Date:	Wednesday, Oct. 4, 2000	Time:	12:00 PM	Place:	Room 403
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Members Present	Camille Anthony, David Bateman, Paul Boyden, Blake Chard, Rep. Greg Curtis, Sam Dawson, Pete Haun, Rep. Neal Hendrickson, Julie Holbrook, Steven Kelly, Judge Tyrone Medley, G. Fred Metos, Judge David L. Mower, John T. Nielsen, Michael Sibbett, Russ Van Vleet
Members Absent	Judge Judith Billings, Mary S. Corporon, John Hill, Joel Millard, Patrick B. Nolan, Judge Sterling Sainsbury, Sen. Pete Suazo, Judge Robert Yeates
Staff	Cliff Butter, Ron Gordon, Jo Lynn Kruse, Ed McConkie

Members Excused	Dr. Judy Engen, Reed M. Richards
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Agenda Item:	Welcome and Approval of Minutes By Ed McConkie
Notes:	Ed McConkie welcomed all and asked if someone would motion to approve the September minutes that were amended to include Judge Mower and Steven Kelly attending the September meeting. Paul Boyden made the motion , Mike Sibbett seconded the motion. The motion passed unanimously .

Agenda Item:	General Business
Notes:	There is now a replacement for Gary Jorgenson, adult treatment specialist, Dr. Judy Engen. Dr. Engen is excused due to a death in her family and will join us in November. Once again the sentencing commission has its full 27 members. In September the commission gave a farewell and thanks to Mike Haddon, director of research. Mike has changed his mind and is now staying gratefully. Ed passed out a sunset review summary. John T. Nielsen and Ed McConkie are scheduled to present to the legislative committee on Interim Day, October 18 th to start the sunset review process. November 1 st meeting will be spent deliberating and hopefully taking a position on tracking and release of information policy. The January 3, 2001 meeting is scheduled for legislation review.

Agenda Item:	Legislative Recommendations from Anomalies Subcommittee – Ron Gordon
Notes:	The Anomalies Subcommittee has recommended four pieces of legislation: 1. Forgery Amendments – clean up measure. Simply removes a reference to a nonexistent crime. Rep. Greg Curtis motioned to adopt as a Sentence Commission bill, Mike Sibbett seconded

	<p>and it passed unanimously.</p> <p>2. Penalty for offenses committed by three or more persons – Page 2, lines 34-35, changed wording. Move five-year minimum to a nine-year minimum. Intended to clarify indeterminate range. Sam Dawson motioned to accept the subcommittee’s recommendations. Rep. Greg Curtis seconded and it passed unanimously.</p> <p>3. Sex offender registry – The last word on line 26 is “and” but should be changed to “or”. The offense of aggravated kidnapping has been added to the sex offender registry. Lengthy discussion ensued with various options discussed. Paul Boyden motioned to send it back to the subcommittee. Julie Holbrook seconded the motion and it unanimously passed.</p> <p>4. Criminal sentencing amendments – Consists of two parts. The first part responds to a decision from the Utah Supreme Court which held that certain parts of our aggravated assault by a prisoner statute are unconstitutional. The Anomalies Subcommittee recommends that on page 9, line 234, we repeal the aggravated assault by a prisoner statute and replace it with a new enhancement, which is similar to that statute but goes beyond by including a number of other enumerated offenses. On line 240, it only applies to prisoners serving a sentence for a capital felony or 1st degree felony. Mike Sibbett motioned to adopt this part of the bill as to enhance penalty for certain offenses committed by a prisoner. Paul Boyden seconded the motion. The motion passed unanimously. The second part deals with changing the term “life imprisonment with the possibility of parole” to an indeterminate 20 to life. The recommendation is changing the <i>zero to life</i> to <i>20 to life</i>. This change would apply to capital felonies. Research indicated that the “20 to life” is descriptive of current release practice. A quorum of the Commission was lost before a vote could be taken on this second part of the proposal. It will be addressed at a future meeting.</p>
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Agenda Item:	Next Meeting
Notes:	The next meeting is scheduled for Wednesday, November 1, 2000 at noon, room 403

Minutes prepared by Jo Lynn Kruse
Executive Secretary CCJJ